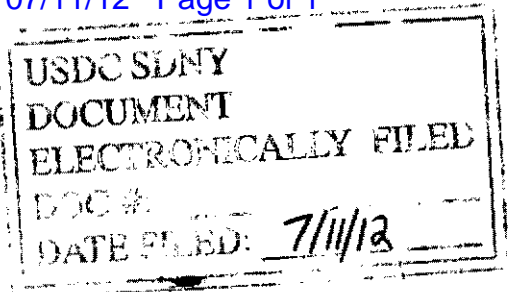


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



MELANIE A. M. HINDS,

Plaintiff,

-against-

THE HOSPITAL FOR SPECIAL SURGERY,

Defendant.

ORDER

11 Civ. 3126 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant has moved for sanctions in the form of dismissal of Plaintiff's action and for a protective order and an immediate stay of discovery pending determination of the sanctions motion.

If Plaintiff's only basis for the allegations of her Amended Complaint is Defendant's privileged communications and work product, the Court may dismiss Plaintiff's Amended Complaint to preclude the use of wrongfully obtained information. See Pure Power Boot Camp v. Warrior Fitness Boot Camp, 587 F. Supp. 2d 548, 568 (S.D.N.Y. 2008). Therefore, Defendant shall depose Plaintiff to determine if Plaintiff has a basis for her allegations separate and independent from her knowledge of Defendant's privileged communications and work product.

Defendant's motion for sanctions is denied, without prejudice to refiling following Plaintiff's deposition. All other discovery is stayed, pending determination of Plaintiff's refiled motion for sanctions.

The Clerk shall mark the motions (Doc. Nos. 30 and 33) terminated.

SO ORDERED.

Dated: July 11, 2012
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge